

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

CERTIORARI STATUS FORM – DUE FROM COUNSEL WITHIN FIRST 30 DAYS OF CERTIORARI PERIOD IN CASES IN WHICH COURT'S JUDGMENT WAS ADVERSE TO DEFENDANT

CASE NO. _____ CASE CAPTION _____

Certiorari Obligations

The Fourth Circuit's [CJA Plan](#) provides as follows at § 5, ¶ 2:

Every attorney, including retained counsel, who represents a defendant in this court shall continue to represent his client after termination of the appeal unless relieved of further responsibility by this court or the Supreme Court. Where counsel has not been relieved:

If the judgment of this court is adverse to the defendant, counsel shall inform the defendant, in writing, of his right to petition the Supreme Court for a writ of certiorari. If the defendant, in writing, so requests and in counsel's considered judgment there are grounds for seeking Supreme Court review, counsel shall prepare and file a timely petition for such a writ and transmit a copy to the defendant. Thereafter, unless otherwise instructed by the Supreme Court or its clerk, or unless any applicable rule, order or plan of the Supreme Court shall otherwise provide, counsel shall take whatever further steps are necessary to protect the rights of the defendant, until the petition is granted or denied.

If the appellant requests that a petition for writ of certiorari be filed but counsel believes that such a petition would be frivolous, counsel may file a motion to withdraw with this court wherein counsel requests to be relieved of the responsibility of filing a petition for writ of certiorari. The motion must reflect that a copy was served on the client.

Filing Time for Petition for Certiorari

The petition for certiorari must be filed in the Supreme Court within 90 days of this Court's decision. If a petition for panel or en banc rehearing is filed within 14 days of this Court's decision, the certiorari petition must be filed within 90 days of the denial of panel or en banc rehearing or within 90 days of a decision rendered after grant of panel or en banc rehearing. The certiorari period runs from this Court's decision or denial of panel or en banc rehearing, not from issuance of the Court's mandate.

Return of Form by Counsel

To protect defendant's certiorari rights in any case in which the Court's judgment was adverse to the defendant, counsel shall return this or like form within the first 30 days of the certiorari period, and serve a copy on defendant, stating as follows:

I have advised defendant, in writing, of the right to petition for certiorari. I have further advised defendant either that I will proceed with preparing a certiorari petition if requested or that I will move to withdraw from further representation if such a filing is requested because a certiorari petition would be frivolous. Defendant will be afforded 7 days to respond to any motion to withdraw and may file a pro se certiorari petition any time within the certiorari period;

OR (see next page)

I have taken the following action:

Signature

Date

Certificate of Service

I certify that on _____ the foregoing document was served on defendant at the address listed below:

Signature

Date

File form electronically using entry Certiorari status form.